

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

DEUTSCHE BANK TRUST COMPANY	X	
AMERICAS,	:	
	:	Case No.: 08 CV 0955
Plaintiff,	:	
	:	
- against -	:	<b>AFFIDAVIT OF SERVICE UPON</b>
	:	<b>THE BANK OF N.T. BUTTERFIELD &amp;</b>
LACROSSE FINANCIAL PRODUCTS, LLC, et	:	<b>SON LTD.</b>
al.,	:	
	:	
Defendants.	:	
	X	

I, Jaymo Durham, Barrister and Attorney, of the City of Hamilton in the Islands of Bermuda, duly admitted to the Bar and licensed under the laws of Bermuda, being duly sworn, make oath and say as follows:

1. That I am a non-party to this action over the age of 21 years and an adult resident of Bermuda, which is a territory of the United Kingdom;
2. That I am employed as an associate attorney by Smith & Co., a law firm whose business address is 95 Front Street, Hamilton, HM12, Bermuda and am authorized to serve legal process in Bermuda;
3. That on or about April 7, 2008, I was instructed by Legal Language Services, an international litigation support firm located in Leawood, Kansas, in turn acting on the instructions of plaintiff's attorneys of the law firm Nixon Peabody, to effect service of the following documents upon defendant The Bank of N.T. Butterfield and Son, Ltd. ("Bank"):

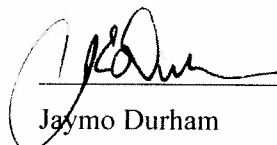
- Hague Service Convention "Notice"
- Hague Service Convention "Summary of the Document to be Served" with Attachment A
- Order
- Notice of Motion to File Exhibits under Seal
- Declaration of Christopher M. Mason (with Exhibit 1 & Exhibits A-E)
- Memorandum of Law in Support of Motion to File Exhibits under Seal
- Summons in a Civil Action

- Interpleader Complaint with Exhibits A-E
  - Individual Practices for Judge Lewis A. Kaplan
  - Individual Practices for Magistrate Judge Debra Freeman
4. That according to plaintiff's counsel, the Bank headquarters is located at 65 Front Street, Hamilton HM AX, Bermuda
  5. That on the 9<sup>th</sup> day of April 2008 at approximately 11:45 a.m., I did personally travel to the Bank headquarters on Front Street where I met with Allisen Bailey, VP of Group Compliance, who advised me that she was authorized to accept service of process on behalf of the Bank in the absence of the Bank's in-house counsel, Mr. Peter Rodger, who was on leave; that I handed the documents to her and informed her she was being served with legal process on behalf of The Bank of N.T. Butterfield and Son, Limited;
  6. That Ms. Bailey accepted the above-mentioned documents and then signed and dated a duplicate copy of the Summons, attached hereto as Exhibit A;
  7. That Ms. Bailey is a white female, in her late 30s, approximately 5'7" tall with a slim build and bleach blonde hair;
  8. That according to the Bermuda Registrar of Companies, the registered office and address for service of process upon The Bank of N.T. Butterfield and Son, Ltd. is c/o Butterfield Corporate Services Limited, Rosebank Centre, 11 Bermudiana Road, Pembroke, Bermuda (See Bermuda Registrar of Companies report, attached hereto as Exhibit B);
  9. That on the 16<sup>th</sup> day of April 2008 at approximately 11:15 am, I did travel to Butterfield Corporate Services Limited, known now as Butterfield Fund Services, at Rosebank Centre where I met with Megan Colley, attorney for Butterfield Fund Services; that I explained the purpose of my visit and Ms. Colley informed me she was not authorized to accept service on behalf of the Bank; that Ms. Colley referred me to the Bank's in-house counsel, Peter Rodger;
  10. That Ms. Colley is caucasian, in her 40s, approximately 5'5" tall with short, brunette hair;
  11. That on the 16<sup>th</sup> day of April 2008 at approximately 11:40 am, I did travel to the Bank's headquarters at 65 Front Street, where I met with Peter J.M. Rodger, Senior Vice President,

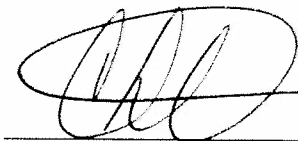
Group Legal Adviser and Secretary to the Board, who had returned from leave; Mr. Rodger indicated he was authorized to accept service on behalf of The Bank; that I handed the above-referenced documents to Mr. Rodger and informed him he was being served with process on behalf of The Bank of N.T. Butterfield and Son, Ltd. and Mr. Rodger accepted the documents but refused to sign a copy of the Summons confirming receipt;

12. That Mr. Rodger is caucasian, in his 60s, approximately 5'9" tall and 175 pounds;
13. That I believe service upon The Bank of N.T. Butterfield and Son, Limited to have been effected in accordance with a method prescribed by the internal laws of Bermuda for civil matters within this jurisdiction and thus in accordance with sub-paragraph (b) of Article 10 of the *Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*; and
14. That all information herein given accords with the rules and customary procedures applicable and operative in Bermuda at the time of effecting service.

I declare under penalty of perjury under the laws of the United States and Bermuda that the foregoing statements are true and accurate to the best of my knowledge and belief.

  
\_\_\_\_\_  
Jaymo Durham  
Barrister and Attorney

Sworn before me in Hamilton           )  
Bermuda   )  
This 22 day of April 2008                   )

  
\_\_\_\_\_  
Notary Public

**CHRISTOPHER E. SWAN**  
Barrister & Attorney  
NOTARY PUBLIC



**EXHIBIT A**

**COPY OF SUMMONS SIGNED BY ALLISEN BAILEY**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
DEUTSCHE BANK TRUST COMPANY  
AMERICAS, as Trustee and Securities  
Intermediary,

Plaintiff,

- against -

LACROSSE FINANCIAL PRODUCTS, LLC,  
CEDE & CO., as Holder of certain Secured Notes  
and nominee name of the Depositary Trust  
Company, AURELIUS CAPITAL PARTNERS,  
LP, THE BANK OF N.T. BUTTERFIELD & SON  
LIMITED, MAGNETAR CONSTELLATION  
MASTER FUND, LTD., MAGNETAR  
CONSTELLATION MASTER FUND III, LTD.,  
MAGNETAR CONSTELLATION FUND II,  
LTD., PALMER SQUARE 3 LIMITED, PASA  
FUNDING 2007-1, LTD., REVELSTOKE CDO I  
LTD., SILVER ELMS CDO plc, STANTON CDO  
I S.A., UBS ABSOLUTE RETURN BOND FUND,  
a fund of UBS Funds, Inc., UBS GLOBAL BOND  
FUND, a fund of UBS Funds, Inc., ZAIS  
OPPORTUNITY MASTER FUND, LTD, and  
DOES 1 through 100, owners of beneficial interests  
in the Secured Notes,

Defendants.  
----- X

SUMMONS IN A CIVIL ACTION  
08 CV 0955 (PKC)

To: Cede & Co.  
55 Water Street  
New York, New York 10041

LaCrosse Financial Products, LLC  
113 King Street  
Armonk, New York 10504

Received At 9/08 @ 11:47 AM  
Allison Baillie  
VP Group Compliance  
[Signature]

Aurelius Capital Partners, LP  
53 Forest Avenue, Second Floor  
Old Greenwich, Connecticut 06870

The Bank of N.T. Butterfield & Son Limited  
65 Front Street  
Hamilton, Bermuda HM AX

Magnetar Constellation Master Fund III, Ltd.  
c/o M&C Corporate Services Limited  
P.O. Box 309 GT  
Ugland House  
South Church Street  
George Town, Grand Cayman KY1-1104  
Cayman Islands, The British West Indies

Magnetar Constellation Fund II, Ltd.  
c/o M&C Corporate Services Limited  
P.O. Box 309 GT  
Ugland House  
South Church Street  
George Town, Grand Cayman KY1-1104  
Cayman Islands, The British West Indies

Magnetar Constellation Master Fund, Ltd.  
c/o M&C Corporate Services Limited  
P.O. Box 309 GT  
Ugland House  
South Church Street  
George Town, Grand Cayman KY1-1104  
Cayman Islands, The British West Indies

Palmer Square 3 Limited  
5 Harbourmaster Place  
International Financial Services Centre  
Dublin 1  
Ireland

PASA Funding 2007-1, Ltd.  
c/o Ogier Fiduciary Services (Cayman) Limited  
P.O. Box 1234 GT  
Queensgate House, South Church Street  
George Town, Grand Cayman KY1-1108  
Cayman Islands, The British West Indies

Revelstoke CDO I Ltd.  
c/o Maples Finance Limited  
P.O. Box 1093 GT  
Queensgate House, South Church Street  
George Town, Grand Cayman KYI-1108  
Cayman Islands, The British West Indies

Silver Elms CDO plc  
c/o Deutsche International Corporate Services (Ireland) Limited  
5 Harbourmaster Place  
International Financial Services Centre  
Dublin 1  
Ireland

Stanton CDO I S.A.  
c/o Omicron Investment Management GmbH  
Herrengasse 1-3  
1010 Vienna  
Austria

UBS Absolute Return Bond Fund  
One North Wacker Drive  
Chicago, Illinois 60606

UBS Global Bond Fund  
One North Wacker Drive  
Chicago, Illinois 60606

ZAIS Opportunity Master Fund, LTD  
P.O. Box 1984 GT  
Elizabeth Square, George Town  
Grand Cayman Islands, The British West Indies

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this  
Court and serve upon:

NIXON PEABODY LLP  
Christopher M. Mason, Esq.  
437 Madison Avenue  
New York, New York 10022

Attorneys for Plaintiff  
Deutsche Bank Trust Company Americas

an answer to the Complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

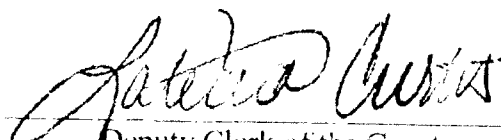
Dated: January 30, 2008

WJ 29 2008

\_\_\_\_\_  
Date

**J. MICHAEL McMAHON**

\_\_\_\_\_  
Clerk of the Court

  
\_\_\_\_\_  
Deputy Clerk of the Court



**EXHIBIT B**

**BERMUDA REGISTRAR OF COMPANIES**  
**COMPANY REPORT FOR**  
**THE BANK OF N.T. BUTTERFIELD & SON, LTD.**

### Company Info - Results

Registration Number: **2106**  
Company Name: **BANK OF N.T. BUTTERFIELD & SON LIMITED (THE)**  
Incorporation Date: 22-Oct-1904  
Service Provider:  
Registered Insurer: No

Registered Office Address  
BUTTERFIELD CORPORATE  
SERVICES LIMITED  
Rosebank Centre  
11 Bermudiana Road  
Pembroke

Principal Office Address

Phone:  
Fax:

Capital (000's)  
Minimum: 250

Issued:

Authorized: 2005.5

General Info  
Status: Active  
Prospectus Last Filed: 26-Jun-1998  
Last Change Status Date:  
Last Name Change Status Date:

Receipt Number : ROCC-7DPJER  
For further information you must contact our offices.